

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

Magistrate Judge Nan R. Nolan

v.

CRIMINAL COMPLAINT

H. MARC WATZMAN, also known as
"Watzmanm@aol.com," "Howard
"Watzman," "Howard Marc Watzman," and
"Marc Watzman"

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 25, 2003, in Cook County, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant did,

knowingly possess two computer hard-drives containing in excess of approximately 3,000 images of child pornography that were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer,

in violation of Title 18 United States Code, Sections 2252A(a)(5)(B).

I further state that I am a Special Agent with United States Immigration and Customs Enforcement, and that this complaint is based on the following facts:

See attached affidavit

Continued on the attached sheet and made a part hereof: X Yes No

Signature of Complainant

JOSE R. NIEVES

SPECIAL AGENT

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT

Sworn to before me and subscribed in my presence,

October 26, 2003 at
Date

Chicago, Illinois
City and State

Nan R. Nolan, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, JOSE R. NIEVES, being duly sworn, do hereby depose and state:

INTRODUCTION

1. I am a Special Agent with United States Immigration and Customs Enforcement (“ICE”), and have been so employed since February 2003. I am assigned to the Cyber-Crimes Investigations Group where I have worked on a number of investigations relating to the possession, receipt, distribution, and manufacture of child pornography. As part of my basic agent training I have received specialized instruction in the area of child pornography investigations. Prior to joining ICE, worked as a Chicago Police Officer for approximately 8 years.

2. In connection with my official duties, I investigate criminal violations of federal statutes, including violations of Title 18, United States Code, Section 2252A(a)(2) (receipt of child pornography) and 2252A(a)(5)(B) (possession of child pornography).

3. As a result of my participation in this investigation, receiving information from other law enforcement officials, and analyzing documents and records, I am familiar with the circumstances surrounding the facts detailed in this affidavit.

4. The information contained in this affidavit is not, however, an exhaustive account of everything I know about this case. It, rather, only contains the facts that I believe are necessary to establish probable cause to believe that H. MARC WATZMAN violated Title 18, United States Code, Section 2252A(a)(5)(B).

**THERE IS PROBABLE CAUSE TO BELIEVE THAT H. MARC WATZMAN ON
OR ABOUT OCTOBER 25, 2003 POSSESSED CHILD PORNOGRAPHY**

***Federal Agents Conduct Court-Authorized Search of the Garden Apartment at
1454 N. Wieland Street, Chicago, Illinois***

5. On or about October 24, 2003, federal Magistrate Judge Nan R. Nolan issued a warrant to search the Garden Apartment at 1454 N. Wieland Street, Chicago, Illinois (hereinafter “WATZMAN’s residence”), for evidence relating to Marc WATZMAN’s receipt and possession of child pornography.

6. On or about October 25, 2003, at approximately 10:15 a.m., federal agents, assisted by members of the Chicago Police Department, executed the search warrant on WATZMAN’s residence.

WATZMAN is Sole Occupant of Residence

7. WATZMAN was alone in his residence when the agents executed the search warrant. WATZMAN stated that he had lived at this residence since 2001, and that he resided there alone.

8. Public information database searches conducted on or about October 14, 2003, as well as surveillance and a review of trash recovered from WATZMAN’s residence conducted on or about October 8, 2003, confirmed that WATZMAN is the sole occupant of the WATZMAN residence. The agents who conducted the October 25, 2003, search of the residence did not find any indicia of occupancy by anyone other than WATZMAN.

Federal Agents Recover WATZMAN's Compaq Desk-Top Computer Containing Child Pornography

9. Agents from near WATZMAN's bedroom recovered a Compaq desk-top computer. This Compaq computer was plugged in, and was connected to a wireless internet router.

10. On October 26, 2003, an agent with extensive experience in the forensic analysis of computers and with the investigation of child pornography cases conducted a preliminary forensic examination of WATZMAN's Compaq computer.

11. The agent's preliminary forensic analysis revealed that the Compaq computer contained in excess of approximately 200,000 erased images. The agent was able to recover some of these erased images from folders and from unallocated space. These images featured, among other things, two nude boys and a girl aged approximately 8-12, engaging in sexual activity. The agent furthermore recovered approximately 40 other non-erased images from the Compaq's hard-drive that depicted nude girls who appear to be 8-12 years old engaging in sexually explicit conduct.

12. The agent also recovered e-mails in WATZMAN's name from the Compaq computer.

Federal Agents Recover WATZMAN's Vaio Laptop Computer Containing Child Pornography

13. Agents from the living room of the Watzman Residence also recovered a Sony Vaio laptop computer. During surveillance conducted on or about October 7, 2003, federal agents observed WATZMAN with what appeared to be this same computer at Edward Hospital in Naperville, Illinois.

14. A preliminary forensic examination of this laptop revealed, among other items, a computer program called "Evidence Eliminator" used to erase, among other things, images that were received/stored on computers.

15. In addition, the preliminary forensic examination revealed approximately 3,000-5,000 images stored in various directories. These images are of what appear to be real nude children exposing their genitals and otherwise engaging in sexually explicit activity and poses. For example, a number of these images depicted nude girls appearing to be approximately 8-10 years of age in various poses with their legs spread and their vaginas exposed to the camera.

DVD's and Encrypted Materials Recovered in the WATZMAN Residence

16. Agents also recovered multiple Digital Video Disks ("DVD") featuring nude young girls age 8-14 in various states of undress, and agents determined that WATZMAN is a paid member to adult fetish websites in the same manner in which he is a paid member to websites featuring child pornography.

17. Agents also recovered a number of DVD's stored near WATZMAN's desk-top computer. A majority of these DVD's have "Music" written on them in marker.

18. A preliminary forensic examination of these DVD's, however, revealed that they contain various encrypted files of what are believed to be images and/or movies that cannot be viewed without the appropriate software and a secret password. Additional forensic examination of these files is expected to break the encryption code and to reveal the DVD's true contents.

Consent-Search of WATZMAN's Nissan Pathfinder

19. WATZMAN also consented orally and in writing to a search of his 2001 Nissan Pathfinder, bearing Pennsylvania license plate DRV6051, and registered to WATZMAN.

20. The vehicle contained, among other items, a resume/curriculum vitae in the name "H. Marc WATZMAN, MD." This resume stated that WATZMAN in 1992 obtained his medical degree in Ohio; that he until 1996 was a pediatrics resident in Maryland; that he from July 1996 to June 1999 was a Fellow in Pediatric Critical Care in Philadelphia; and that he from July 2000 until June 2003, was a Resident in Chicago.

21. WATZMAN's resume further states that he is licensed in Illinois and Kansas, and that he has been employed as a pediatrician in hospitals in Wichita, Kansas; Peoria, Illinois; Rockford, Illinois; Philadelphia, Pennsylvania; and Chicago, Illinois.

22. Federal agents obtained documents from the Illinois Department of Professional Regulation confirming that WATZMAN is a 37-year-old board-licensed physician and surgeon (license no. 036-100814); that he was licensed on July 28, 1999, and that his license is current until July 31, 2005; that he specializes in pediatric medicine and anesthesiology; and that he in or about July 2003 completed his residency in Chicago. Federal agents additionally determined that WATZMAN until October 8, 2003, was employed by a hospital in Naperville, Illinois, as a pediatrician in the Critical Care Unit.

23. Agents during their consent-search of WATZMAN's vehicle also recovered hidden in a side-panel of the vehicle's rear compartment a number of wire transfers to Guayaquil, Ecuador, dated as recently as September 23, 2003. These transfers,

which are in the thousands of dollars, are in WATZMAN's name, but do not list WATZMAN's accurate address.

Narcotics Recovered from WATZMAN's Residence and Vehicle

24. Agents also recovered various narcotics in WATZMAN's vehicle (primarily in the side panel in the rear of the car's interior where the wire transfers were recovered), as well as in his residence (primarily in the kitchen drawer). These narcotics included injectable Morphine; injectable Diprivan (which, according to a physician contacted by federal agents, is used to induce unconsciousness); Ketamine (used to induce unconsciousness); injectable Nimbox (used to induce temporary muscle paralysis); injectable Midazolam (used to sedate persons prior to surgical procedures), as well as a bottle of Viagra tablets.

WATZMAN Used a P.O. Box

25. Agents also determined that WATZMAN leases a P.O. Box at 858 W. Armitage, Chicago, Illinois 60614.

26. On or about September 27, 2003, federal agents drove to 858 W. Armitage, and determined that the location is an affiliate of United Parcel Service which offers mail boxes for rent. Mail box #180 is currently being leased by "Marc WATZMAN," and has been leased by WATZMAN since in or about 2000.

27. The paperwork filled out and signed by WATZMAN when he initially leased the P.O. Box lists WATZMAN's previous address. The address on these documents corresponds with the address contained on WATZMAN's Illinois Insurance Card, as well as on his Illinois Driver's License, namely, 1876 N. Burling Street, Second Floor, Chicago, Illinois. WATZMAN does not, however, currently live at this address.

28. On or about September 30, 2003, ICE agents, pursuant to their border-search authority, inspected a letter-sized parcel sent to WATZMAN's P.O. Box from a fictitious P.O. Box in Sweden. The parcel contained a video titled "The Wild Life Report, Volume 4." Agents viewed the video and found it to contain what appear to be home-made voyeuristic scenes of adult nude people on a beach. Agents the next day inspected another parcel from Sweden which contained the identical video.

29. On or about October 11, 2003, agents intercepted a parcel from Germany that was addressed to WATZMAN. The parcel was inspected, and was found to contain encryption software commonly used to hide pictures within pictures, to hide text within pictures, and to encrypt computer files.

30. Based on the undersigned's experience and training and the experience and training of other federal law enforcement agents involved in this investigation, the conduct depicted in WATZMAN's desk-top and lap-top computer, described in the paragraphs above, qualifies as "sexually explicit conduct," as the term is defined in 18 U.S.C. § 2256(2).

31. Based on the evidence described in this affidavit and my experience and training, and the experience and training of law enforcement personnel with whom I have had contact and have discussed this case, I believe that probable cause exists to believe that H. Marc WATZMAN on or about October 26, 2003, knowingly possessed at least 3,000 images of child pornography that were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

FURTHER AFFIANT SAYETH NOT.

JOSE R. NIEVES
Special Agent
United States Immigration and Customs
Enforcement

Subscribed and sworn to before
me this __ day of October 2003

NAN R. NOLAN
United States Magistrate Judge